IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

(1) CRIMINAL WRIT PETITION NO.690 OF 2005
IN
(2) CRIMINAL WRIT PETITION NO.940 OF 2005
IN
(3) CRIMINAL WRIT PETITION NO.941 OF 2005

Eknath Dagduji Waman
and Ors. ..Petitioners

Vs.

Haribhau Namdeo Shingote
and Ors. ..Respondents

...

Mr.P.R.Arjunwadkar for Petitioners.
Mr.Rajesh More, A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 1, 2005

P.C.

1. Heard the learned advocate for the petitioners and the learned A.P.P. for the State.

2. The petitioners are seeking quashing of process issued by the learned Metropolitan Magistrate 31st Court, Vikhroli, Mumbai in C.C.No.349/S/98 now

291/C/2002, C.C.No.308/S/98 now 280/C/2002 and 318/S/98 now 281/C/2002. In the said cases, process is issued under Sections 138/141 and 420 of IPC.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, in my view, it is clear that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners states that necessary revision will be filed within five weeks from today. In view of this statement, interim relief granted by this Court to continue till then.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petitions are disposed of.

[V.K.TAHILRAMANI,J.]